

House of Representatives, April 7, 1998. The Committee on Judiciary reported through REP. LAWLOR, 99th DIST., Chairman of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING NOTICE OF CULPABILITY OF CHILD ABUSE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 (NEW) (a) Upon a substantiated complaint of  
2 abuse of a child having a single custodial parent  
3 or a guardian, the Department of Children and  
4 Families shall give to the noncustodial parent,  
5 custodial parent and guardian of the child notice  
6 of (1) the circumstances of the complaint,  
7 including the name of the person who caused the  
8 abuse, (2) the availability of services from the  
9 department, including, but not limited to, child  
10 care subsidies and emergency shelter and (3) the  
11 programs of the Office of Victim Services and  
12 information on obtaining a restraining order. The  
13 notice shall also inform the recipient that such  
14 child may be removed from the custody of the  
15 custodial parent by the department if such removal  
16 is authorized under the general statutes.  
17 (b) The notice required under subsection (a)  
18 of this section shall be by certified mail, return  
19 receipt requested, or by delivery by an agent of  
20 the department. In the case of personal delivery  
21 by an agent, written acknowledgement of such  
22 delivery shall be made by the recipient.

23 STATEMENT OF LEGISLATIVE COMMISSIONERS: In Subsec.  
24 (b) "may" was changed to "shall" to clarify that  
25 notice must be made by one of the alternative  
26 methods.

|    |     |                              |         |     |     |
|----|-----|------------------------------|---------|-----|-----|
| 27 | KID | COMMITTEE VOTE: YEA 11 NAY 0 | JFS     | C/R | HS  |
| 28 | HS  | COMMITTEE VOTE: YEA 16 NAY 0 | JFS     | C/R | JUD |
| 29 | JUD | COMMITTEE VOTE: YEA 39 NAY 0 | JFS-LCO |     |     |

\* \* \* \* \*

"THE FOLLOWING FISCAL IMPACT STATEMENT AND BILL ANALYSIS ARE PREPARED FOR THE BENEFIT OF MEMBERS OF THE GENERAL ASSEMBLY, SOLELY FOR PURPOSES OF INFORMATION, SUMMARIZATION AND EXPLANATION AND DO NOT REPRESENT THE INTENT OF THE GENERAL ASSEMBLY OR EITHER HOUSE THEREOF FOR ANY PURPOSE."

\* \* \* \* \*

**FISCAL IMPACT STATEMENT - BILL NUMBER SHB 5282**

|                  |   |
|------------------|---|
| STATE IMPACT     | Cost, see explanation below   |
| MUNICIPAL IMPACT | None  |
| STATE AGENCY(S)  | Departments of Children and Families, Social Services, Office of Victim Services, Judicial Department |

**EXPLANATION OF ESTIMATES:**

An estimated 33,000 reports of child abuse and neglect are investigated annually. Approximately forty seven percent (or 15,600) of these reports are substantiated. Of these, an estimated sixty five percent (or 10,140) involve children having a single custodial parent or guardian.

The bill requires the Department of Children and Families (DCF) to provide notice of the circumstances of the complaint, by either direct contact or certified mail, to the custodial parent or guardian and the noncustodial parent. The agency will incur a minimal cost, which can be absorbed within its anticipated budgetary resources, to perform direct notification when possible.

In cases in which direct contact is not feasible, postage costs of \$2.77 per each letter of certified mail, return receipt requested, and an increased administrative workload will be incurred. As the volume of mailed notices is anticipated to be in the 8,000-13,000 range annually, a cost of approximately \$22,160-\$36,010 would result.

It should be noted that it is assumed that the Department of Children and Families will undertake notification by mail only to the extent that it can readily ascertain the location of the parties to be so notified. If instead the bill is interpreted to require the agency to search for persons whose whereabouts are unknown, an indeterminate cost, which may be significant in magnitude, will be incurred by the agency.

To the extent that information contained in the notice prompts additional individuals to seek State funded services via the DCF, the Department of Social Services, the Office of Victim Services or the courts, increased demand for their programs will result. It is expected that provision of any resulting additional services will occur to the extent that these agencies' resources allow.

\* \* \* \* \*

#### **OLR BILL ANALYSIS**

sHB 5282

#### **AN ACT CONCERNING NOTICE OF CULPABILITY OF CHILD ABUSE**

**SUMMARY:** This bill requires the Department of Children and Families (DCF) to notify parents of children living with a single parent or guardian when it substantiates that the child has been abused. The notice must describe the circumstances of the abuse; name the abuser; list the services available from the department, including child care subsidies and emergency shelter (DCF does not provide these services, but may refer people to them); describe the Office of Victim Services' programs; and provide information on how to obtain a restraining order. It must also inform the recipients that the law authorizes DCF to remove the child from the custodial parent's home under specific circumstances.

The notice must be given to the custodial parent or guardian and the noncustodial parent. It can be delivered by a DCF agent, in which case the recipient must make written acknowledgement, or by certified mail, return receipt requested.

EFFECTIVE DATE: October 1, 1998

## **BACKGROUND**

### **Removing a Child from the Home**

A DCF investigator can remove a child from his home and place him in DCF custody for 96 hours if he has probable cause to believe that (1) the child or any other child in the household is at imminent risk of physical harm from his surroundings and (2) immediate removal is necessary to ensure his safety (CGS Sec. 17a-101g).

### **DCF Policy on Service Referrals**

DCF policy calls for investigators and child protective service workers to offer services to prevent out-of-home placements and promote family reunification. They may provide or refer families to a wide range of services including counseling, day care, emergency shelter, transportation, legal aid, psychological evaluation, and medical care (DCF Policy Manual, 34-9)

## **COMMITTEE ACTION**

### Children's Committee

Joint Favorable Substitute Change of Reference  
Yea 11      Nay 0

### Human Services Committee

Joint Favorable Substitute Change of Reference  
Yea 16      Nay 0

### Judiciary Committee

Joint Favorable Report  
Yea 39      Nay 0